

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
COMMERCIAL DIVISION**

-----X	:	
INDIAN HARBOR INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Index No.: 651713/2013
	:	
CSAC EXCESS INSURANCE AUTHORITY and	:	NOTICE OF MOTION TO
INSURANCE COMPANY OF THE STATE OF	:	CONSOLIDATE AND STAY
PENNSYLVANIA,	:	RELATED ACTIONS
	:	
Defendants.	:	
-----X	:	

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Jessica A. Bohl, sworn to on May 30, 2013, the supporting Memorandum of Law, and upon all the prior pleadings, Plaintiff Indian Harbor Insurance Company (“Indian Harbor”) hereby moves for the following two Orders:

(1) An Order pursuant to CPLR § 602(a) consolidating the action entitled *Indian Harbor Insurance Company v. CSAC Excess Insurance Authority, et al.*, Index No. 651713/2013 (“CSAC Action”) with the action entitled *Indian Harbor Insurance Company v. City of San Diego*, Index No. 157014/2012 pending, but stayed by stipulation, in front of Judge Kornreich as the matters involve common questions of law and fact; and

(2) An Order pursuant to CPLR § 2201 staying the CSAC Action because an identical case is pending in the United States District Court for the Southern District of New York.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR § 2214(b), opposition papers, if any, are to be served on or before June 21, 2013, with reply papers, if any, to be served on or before June 27, 2013.

PLEASE TAKE FURTHER NOTICE that this motion is returnable at the Motion Support Office Courtroom, 60 Centre Street, New York, New York, Room 130, on June 28, 2013.

Dated: May 30, 2013

Respectfully submitted,

DUANE MORRIS LLP

Attorneys for Plaintiff Indian Harbor Insurance
Company

By: /s/ Jessica A. Bohl

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